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IN THE HIGH COURT OF KARNATAKA AT BANGALORE.

Dated this the 15th day of April, 1998

BEFORE

HON'BLE MR. JUSTICE S.R. VENKATESHA MURTHY

H.R.R.P. NUMBER 747 of 1997.

Between:

M/s. Falcon Tyres Ltd.,
a company incorporated under the
Companies Act with its Registered
Office at 1st floor, No.50,
Mohan Towers, Residency Road,
Bangalore-25, represented herein
by its Company Secretary Sri.
R.Nagaraj.

PETITIONER.

(Sri. K.Balakrishna for petitioner)

And:

Sri. D.Govindappa Jayaram,
s/o Sri.D.Jayaram, Hindu,
aged 35 years, Presently
Residing at No.38, Crescent
Road, High grounds, Bangalore-1
Represented by Power of Attorney
Holder Sri.

RESPONDENT.

(Sri. H.R.Ananthakrishna Murthy for
Caveator/respondent)-

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This H.R.R.P. is filed under section
50(1) of the Karnataka Rent Control Act against
the order dated 5-4-1997 passed in HRC No.
1231 of 1991 by the Judge, Court of Small
Causes, Bangalore City.

This Revision coming on for hearing this day, the Court made the following:-

ORDER

At the stage of admission, the matter is heard and disposed of. The respondent -tenant in the trial court has filed this Revision challenging his eviction in HRC 1231 of 1991 on the file of the Judge, Court of Small Causes, Bangalore City.

2. The parties are referred to according to their array in the trial court.

3. The petitioner sought eviction of the respondent under section 21 (1)(j) and (o) of the Karnataka Rent Control Act, 1961 (herein after called the 'Act') from the petition schedule premises. After trial, the claim of eviction under section 21 (1)(o) of the Act was rejected and the claim of eviction under section 21 (1)(j) of the Act was granted. The trial court found that the petitioner had complied with all the requirement

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of section 21 (1)(j) of the Act and was therefore entitled to eviction of the respondent-tenant. In this

4. In this Revision, it was sought to be contended on behalf of the revision petitioner-tenant that though the respondent's witness R.W.1 admitted that the petitioner-landlord had the requisite means to put up a new construction; nevertheless the documentary evidence produced in the case showed that the petitioner could hardly ^{muster} ~~must have~~ about half the funds required for executing the project and therefore, the trial court was not right in arriving at a conclusion that the petitioner-landlord's claim was bonafide and reasonable.

55 On behalf of the petitioner-landlord, it was contended that the value of the property is itself so high, that there is no way by which the means of the petitioner to execute the

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the project could ~~not~~[✓] be doubted. Admittedly, the petitioner-landlord had produced documents indicating the extent of his assets at nearly 38 lakhs. The appreciation of the assets of the petitioner could not be lost sight of. Even otherwise, the area that the respondent-tenant would be entitled to in the newly constructed building would be to an area equivalent to the one ^{presently} in ~~his~~ ^{its} possession. It needs hardly any mention that the petitioner's means are far in excess of the claim of the respondent-tenant in the newly constructed building. All other contentions raised on behalf of the respondent-tenant about the bonafides and reasonableness of the claim have been properly examined and decided by the trial court. The Revision therefore has no merit and has to be dismissed. So far as safeguards of the respondent's claim is concerned, the trial court has made adequate provision for the same, and the same does not call

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for any further improvement. The Revision
therefore is dismissed with costs.

Sd/-
JUDGE

SRVMJ:

15-4-1998.

W.

The Counsel for the petitioner
submits that the petitioner may be granted
time till the end of August, 1998 to surrender
vacant possession of the premises subject to
the other conditions imposed by the trial
court.

Sd/-
JUDGE